

ALEXANDER V. SVERDLOV (NY Bar 4918793)

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION**

**KATHRYN DUNLAP and JAMES  
DUNLAP,**

*Plaintiffs,*

v.

**THOMAS J. VILSACK**, in his official capacity as U.S. Secretary of Agriculture; and **ZACH DUCHENEAUX**, in his official capacity as Administrator, Farm Services Agency,

*Defendants.*

Civil Action No.2:21-cv-00942-SU

**DEFENDANTS' STATUS REPORT**

In accordance with the Court's September 21, 2021 Order, ECF 42, Defendants respectfully submit the following status report:

1. Plaintiffs in this action challenge Section 1005 of the America Rescue Plan Act of 2021. Because Plaintiffs are members of a class certified by the Court in the first-filed of these challenges, *Miller v. Vilsack*, Case No. 4:21-cv-595 (N.D. Tex.), Defendants moved for—and the Court granted—a stay of this action pending resolution of the *Miller* litigation. ECF 42 at 5.
2. The *Miller* class litigation remains ongoing. The day after this Court issued its stay order the Court in *Miller* entered a scheduling order pursuant to which the parties will file cross-motions for summary judgment on March 11, 2022. ECF No. 87 in Case No. 4:21-cv-595. That deadline is still in effect.
3. Because the *Miller* case is still pending, and Plaintiffs remain members of the class certified in that case, the interests of judicial efficiency weigh in favor of continuing the stay.

DATED: December 20, 2021

Respectfully submitted,

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/s/ Alexander V. Sverdlov

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